

REMARKS

Objections under 35 U.S.C. §132

The Examiner objects to Applicants previous amendment to the specification under §132 as disclosing new matter, and requires cancellation of matter not supported in the specification. Office action mailed 6/1/00, page 1, paragraph 3. Applicant has amended the specification to overcome this rejection.

Rejections under 35 U.S.C. §112

Claims 16-18, 33-35, and 37-39 are rejected under §112, first paragraph, as indefinite. The examiner states that claims 16-18 and 33-35 recite the device is used in either a bipolar or a monopolar mode, which is unclear since there is insufficient means recited in the claims. Claims 16-18 and 33-35 have been amended to obviate this rejection.

Claims 37-39 are unclear with the phrase "electromagnetic energy source is delivered to the plurality of antennas", and remarks that it appears as though "source" should be deleted. Claims 37-39 have been amended to obviate this rejection.

Rejections under 35 U.S.C. §103

Claims 1-12 and 15-44 stand rejected under §103(a) as obvious over LeVeen, et al. in view of Edwards, et al. The Examiner states that the only feature not expressly taught by LeVeen et al is the energy delivery surface size, and goes on to state that the examiner can see no reason why the LeVeen, et al device would "impede out". More specifically, the examiner states there is no specific disclosure in applicant's specification of the particular size of the energy delivery surface which prevents this "impeding out" of the electrodes; and moreover, it appears one of ordinary skill in the art would be capable of creating the proper energy surface area to prevent impeding out an antenna without undue experimentation. The Examiner also maintains that while LeVeen et al fails to disclose the specific size of the trocar in its specification, use of any well known trocar size would have been an obvious design consideration dependent upon the particular procedure as well as the particular antenna device being used.

With regard to Edwards, et al, the Examiner states that impedance monitoring and feedback means are generally well known in the art; that Edwards et al also disclose the use of temperature sensors located on the electrodes and the sheath as well as a means to provide a fluid to tissue. With respect to the newly added limitation of a rigid antenna advancement member, the examiner maintains that there is insufficient disclosure of such an advancement member in applicant's

specification, and moreover, while LeVeen et al. disclose a "cable", the examiner maintains that a cable may be rigid, even if it is capable of being bent.

Finally, Edwards et al. disclose the use of a rigid advancement mechanism, and providing the LeVeen et al. device with a rigid handle and advancement means to simultaneously advance the antennas is deemed an obvious modification to one skilled in the art.

The examiner states that to have provided the LeVeen et al device with an impedance monitoring and control means to control the delivery of energy to the electrodes to avoid "impeding out" the electrodes would have been an obvious modification for one of ordinary skill in the art in view of the teaching of Edwards et al, and that it would have been an obvious design consideration for one of ordinary skill in the art to have provided the LeVeen et al device with a rigid advancement member to extend the antennas, particularly since Edwards et al use a rigid handle and advancement means to extend the RF antennas.

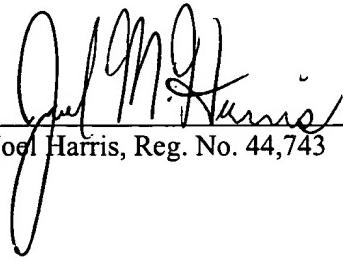
Claims 1, 27 and 36 have been amended to obviate these rejections.

CONCLUSION

It is submitted that the present application is now in form for allowance, and such action is respectfully requested.

Respectfully submitted,

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